

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
THURSDAY
NOVEMBER 4, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Fire Chaplin Jeramie Simpson.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Bob Wehba
Councilman Justin Frisbie
Councilman Barry Curl
Councilwoman Nancy Olson

ABSENT

Vice-Mayor Tom Smith
Councilman Mike Gossman

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Mike Turman, City Inspector
Bob Jernigan, City Attorney

2. Presentation of Firefighter Badge to Jackson Greene.

Chief Carter presented Firefighter Jackson Greene his Fire Department badge.
3. Questions and Comments from Warr Acres Residents.

The Mayor said that she had received a call from Jo Ann Johnson stating what a great job Mike Turman is doing.
4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.
 - A. Approval of Minutes – Regular City Council Meeting of October 5, 2004 and October 19, 2004. ****
 - B. Approval of Expenditures – General Fund \$ 32,751.41

- C. Approval of Proposed Expenditures for November 2004. ****
- D. Sales Tax History Report. ****
- E. Receive Planning Commission minutes for October 12, 2004. (Not yet approved by the Planning Commission) ****
- F. Receive Traffic Commission minutes for October 21, 2004. (Not yet approved by the Traffic Commission) ****
- G. Approve recommendation from the Traffic Commission concerning placing a crosswalk on NW 42nd Street at St. Charles for persons crossing 42nd between Victory Christian Center and the Victory Youth Center. (Recommendation was to approve.)
- H. Approval to waive the city's right to appeal BOA's Case #04-04 on property located at 5708 N Donald, presently zoned Residential. Legally described as Lot 2, Block 3 of Twin Lakes Addition. Eustolio Jaramillo, applicant. (Variance approved for the use of 1 foot 5 inches of the 6 foot side yard setback). ****
- I. Approval of Supplemental Appropriation in the amount of \$10,400 from the donated monies and grant money for the K-9 unit.

Councilman Frisbie asked for item A to be pulled for discussion. Councilman Wehba asked for item H to be pulled and the Mayor asked for item I to be pulled.

Motion by Curl, second by Frisbie to approve the remaining items on the consent docket. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

- 5. Discussion and possible action on items removed from the consent docket.

Councilman Frisbie asked that the Roll Call be added to the October 19th minutes.

Motion by Frisbie, second by Curl to approve the minutes from October 19th with the changes. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

Motion by Frisbie, second by Curl to approve the minutes from October 5th. Poll vote: Alexander, yea; Owens, abstain; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

Councilman Wehba asked if the agreement concerning the sewer main and the swimming pool had been taken care of. He was told that this was a different case

and that yes in the order from the Board of Adjustment it was stated and would be filed with the county.

Motion by Wehba, second by Frisbie to approve item H. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Mayor stated that Chief Patty had requested this item be continued to the next meeting since the money had not arrived yet.

Motion by Curl, second by Wehba to continue item I to the November 16th meeting. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

6. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Carter-thanked Sam's Wholesale Club for a \$1,000 grant.

Clerk Ramirez-told the council that the last budget report did not include the third payroll in September so the September figures and the Quarterly figures were incorrect but the new report reflects the correct information including October. She also stated that future reports will include the percentage spent.

Inspector Turman-asked if anyone would like more information in his reports, no one made any request.

Street Supervisor Dickson-new signs have been put up on Ann Arbor for no stopping, standing. He also asked if the city could pay the additional \$5.00 for the employee flu shots. The attorney told the Mayor that it was within her authority to do so.

Mayor-thanked the Sanitation and Street department for the great job they did with the Big Junk pickup.

Sanitation Supervisor Hayes-said that people were still putting items out but that he had been contacting the people and working with them on getting dumpsters.

Councilwoman Owens-asked Chief Carter to say something about safety concerning starting heaters for the first time this season.

7. Discussion and possible action on the drilling of a monitor well on the right-of-way one block west of MacArthur.

Inspector Turman told the council that Cornerstone Plaza was in the process of being sold and the drilling was required for EPA. Councilman Wehba stated that the property owners are paying for the drilling. Councilman Curl stated that the information needed to be recorded in the books for future reference. Jeff Lofflan who is with the company doing the drilling stated that they must drill close to sewer lines to make were there is not any sewage leaking into the soil. The question was raised as to how long the wells would remain. Mr. Lofflan stated that the time frame was set by ODEQ depending on what was found. Bob Jernigan stated that the city would need to do a Revocable Permit with terms outlined.

Motion by Frisbie, second by Wehba to approve the drilling of the well. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Questions and comments from Council members.

Councilwoman Owens-stated that people needed to make sure they did not leave valuables in their vehicles. Her sister had left her purse in her car in front of her house and someone broke in and stole it. Chief Patty stated that this time of year is prime for theft. Councilwoman Owens told that she had a meeting with staff concerning MacArthur and a date and place for a meeting to inform the public has been set for December 9th at the Community Center from 6:00pm-7:00pm. This time was set so that people can come by before they go home from work and get information.

Councilman Curl-asked for an item to be placed on the next agenda to possibly cancel the December 21st Council meeting.

Mayor Tardibono-reminded the Council and staff of the Christmas Party on December 3rd.

9. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

10. Discussion and possible action concerning Bob Cunningham’s Workers Compensation case, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B) (4), Confidential

communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Attorney Bob Jernigan recommended that the council enter into executive session to be updated on this issue.

Motion by Curl, second by Wehba to enter into executive session. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Council entered into executive session at 7:43 p.m.

The Council returned to open session at 8:05 p.m. **WITH NO ACTION TAKEN.**

11. Adjournment.

Motion by Curl, second by Olson to adjourn the meeting. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
THURSDAY
NOVEMBER 4, 2004
7:00 p.m.**

1. The meeting was called to order at 8:05 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairwoman Marietta Tardibono
Trustee Jimmy Alexander
Trustee Leslie Owens
Trustee Bob Wehba
Trustee Justin Frisbie
Trustee Barry Curl
Trustee Nancy Olson

ABSENT

Vice-Chair Tom Smith
Trustee Mike Gossman

2. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of October 5, 2004.

Motion by Frisbie, second by Wehba to approve the minutes of the October 5, 2004 meeting. Poll vote: Alexander, yea; Owens, abstain; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

3. Approve payment of claim in the amount of \$57,439.46 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of October, 2004.

Motion by Frisbie, second by Alexander to approve the payment. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Owens, second by Wehba to adjourn the meeting. The meeting was adjourned at 8:07 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**SPECIAL
CITY OF WARR ACRES
ECONOMIC DEVELOPMENT AUTHORITY MEETING
THURSDAY
NOVEMBER 4, 2004
7:00 p.m.**

1. The meeting was called to order at 8:07 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairwoman Marietta Tardibono
Trustee Jimmy Alexander
Trustee Leslie Owens
Trustee Bob Wehba
Trustee Justin Frisbie
Trustee Barry Curl
Trustee Nancy Olson

ABSENT

Vice-Chair Tom Smith
Trustee Mike Gossman

2. Discussion and possible action concerning the possible hiring of a consultant in regards to a possible tax issue, and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Attorney Bob Jernigan stated that there really was no need for executive session.

3. Approval of Service Agreement with the Floyd Law Firm.

Attorney Bob Jernigan stated that each member had receive a copy of the agreement and asked if anyone had any questions. There were none.

Motion by Owens, second by Alexander to approve the service agreement. Poll vote: Alexander, yea; Owens, yea; Wehba, yea; Frisbie, yea; Curl, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Owens, second by Olson to adjourn the meeting. The meeting was adjourned at 8:09 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk